

SPENCER HOSIE (CA Bar No. 101777)
shosie@hosielaw.com
BRUCE WECKER (CA Bar No. 078530)
bwecker@hosielaw.com
GEORGE F. BISHOP (CA Bar No. 89205)
gbishop@hosielaw.com
HOSIE RICE LLP
188 The Embarcadero, Suite 750
San Francisco, CA 94105
(415) 247-6000 Tel.
(415) 247-6001 Fax

EDWARD W. GOLDSTEIN
egoldstein@gfpiplaw.com
CORBY R. VOWELL
cvowell@gfpiplaw.com
MATTHEW J.M. PREBEG
mprebeg@gfpiplaw.com
STEPHEN W. ABBOTT
sabbott@gfpiplaw.com
GOLDSTEIN, FAUCETT & PREBEG, L.L.P.
1177 West Loop South, Suite 400
Houston, Texas 77027
(713) 877-1515 Tel.
(713) 877-1145 Fax

Attorneys for Plaintiff
IMPLICIT NETWORKS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IMPLICIT NETWORKS, INC.,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, ORACLE CORPORATION,
SAP AMERICA, INC., AND ADOBE
SYSTEMS INCORPORATED,

Defendants.

Case No. CV 09-1342 SI

**STIPULATED MOTION FOR
DISMISSAL OF COUNTERCLAIM
OF SAP AMERICA, INC. WITH
PREJUDICE AND PROPOSED
ORDER**

1
2 The Plaintiff, Implicit Networks, Inc. (“Implicit”), and Defendant SAP America, Inc.
3 (“SAP”), pursuant to Rule 41 of the Federal Rules of Civil Procedure, hereby stipulate and
4 move for an order dismissing in their entirety all counterclaims asserted in this action by SAP
5 against Implicit WITH PREJUDICE, with each party to bear its own costs, expenses and
6 attorneys’ fees.

7 Dated: May 21, 2009

HOSIE RICE LLP

/s/ Spencer Hosie

SPENCER HOSIE (CA Bar No. 101777)

shosie@hosielaw.com

BRUCE WECKER (CA Bar No. 078530)

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GEORGE F. BISHOP (CA Bar No. 89205)

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GOLDSTEIN, FAUCETT & PREBEG, L.L.P.

1177 West Loop South, Suite 400

Houston, Texas 77027

(713) 877-1515 Tel.

(713) 877-1145 Fax

Attorneys for Plaintiff

IMPLICIT NETWORKS, INC.

Date: May 21, 2009

FISH & RICHARDSON P.C.

/s/ Tamara Fraizer

TAMARA FRAIZER (CA Bar No. 215942)

fraizer@fr.com

KATHERINE KELLY LUTTON

(CA Bar No. 194971)

lutton@fr.com

ROBERT J. KENT (CA Bar No. 250905)

RJKent@fr.com

FISH & RICHARDSON P.C.

500 Arguello Street, Suite 500

Redwood City, California 94063

Telephone: (650) 839-5070

Fax: (650) 839-5071

BARBARA BENOIT

benoit@fr.com

FISH & RICHARDSON P.C.

1425 K Street, NW

Washington, DC 20005

Tel: 206-626-6363

MARK S. PARRIS

mparris@orrick.com

ORRICK HERRINGTON & SUTCLIFFE

LLP

719 Second Avenue, Suite 1000

Seattle, WA 98104-7097

Tel: 206-839-4320

Fax: 206-839-4301

Attorneys for Defendants

SAP AMERICA, INC.

I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories.

DATED: May 21, 2009

/s/ Spencer Hosie

Spencer Hosie

1 **IT IS SO ORDERED.**

2 DATED this ____ day of May, 2009.



3
4 HONORABLE SUSAN ILLSTON
5 UNITED STATES DISTRICT JUDGE
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